

NOWELL AMOROSO KLEIN BIERMAN, P.A.  
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Attorneys for Third-Party Defendant,  
UPS Ground Freight, Inc. d/b/a UPS  
Freight, f/k/a Overnite Transportation

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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HOLTEC INTERNATIONAL CORPORATION, a  
Delaware Corporation,

Plaintiff,

Civil Action No.:  
09-cv-274 (RMB) (AMD)

v.

PREFERRED METAL TECHNOLOGIES, INC.,  
an Illinois Corporation,

Defendant.

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PREFERRED METAL TECHNOLOGIES, INC.,

Third-Party Plaintiff,

v.

UPS GROUND FREIGHT, INC., d/b/a UPS  
FREIGHT, f/k/a OVERNITE  
TRANSPORTATION,

Third-Party Defendant.

**ORDER FOR SUMMARY  
JUDGMENT PURSUANT TO  
FED. R. CIV. P. 56 AND  
LOC. CIV. R. 56.1 TO  
DISMISS THE THIRD-PARTY  
COMPLAINT**

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THIS MATTER having been brought to the attention of the  
Court on motion made by and thorough Nowell Amoroso Klein  
Bierman, P.A., attorneys for Third-Party Defendant, UPS Ground

Freight, Inc. d/b/a UPS Freight, f/k/a Overnite Transportation by way of motion for an Order for Summary Judgment pursuant to Fed. R. Civ. P. 56 and Loc. Civ. R. 56.1 to dismiss the Third-Party Complaint because the case is time barred, and the Court having reviewed the Notice of Motion for Summary Judgment and to Dismiss Third-Party's Complaint and the Brief in Support of the Motion, the Affidavit of Gerry Laverty the opposition and supporting brief and the reply of Third-Party Defendant, and upon oral argument of counsel, if any, and for good cause having been shown:

IT IS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010;

ORDERED that Summary Judgment be granted to Third-Party Defendant, UPS Ground Freight, Inc. d/b/a UPS Freight, f/k/a Overnite Transportation and that the Third-Party Complaint be and hereby is dismissed with prejudice; and it is further

ORDERED that a copy of this Order be served on all counsel within \_\_\_\_\_ days of the date of receipt of this Order.

Hon. \_\_\_\_\_, U.S.D.J.